

FILED

8/7/2019

Clerk, U.S. District Court  
District of Montana  
Helena Division

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

HELENA DIVISION

WEH Magic Valley Holdings, LLC, a  
limited liability corporation,

Plaintiff,

vs.

EIH Parent, LLC, a limited liability  
company, and James Carkulis, an  
individual,

Defendant.

No. CV-15-50-H-SEH

**ORDER**

On August 6, 2019, the Court conducted a status conference to consider and establish a specific program, timetable, and schedule for address and disposition of issues on remand remaining for resolution identified in the Memorandum of the United States Court of Appeals for the Ninth Circuit, filed June 6, 2019.

Upon the record made it open court,

**ORDERED:**

1. Defendant EIH Parent, LLC ("EIH") shall have to and including August 16, 2019, in which to file an amended complaint for what Defendant EIH

asserts to be a compulsory counterclaim against Plaintiff for certain “distributions” now due and owing by Plaintiff to Defendant EIH, liability for which distributions did not accrue until 2018 after this action was filed and pending.

2. Plaintiff shall have to and including August 30, 2019, in which to file an answer to the amended complaint.

3. Defendant EIH is directed to file, on or before August 16, 2019, a brief in support of its position that discovery and potential motion practice related to the compulsory counterclaim identified in paragraph 1 will be necessary and appropriate and that trial of the breach of contract claim of Plaintiff WEH Magic Valley Holdings, LLC against Defendant EIH Parent, LLC and the fraud claim of Plaintiff WEH Magic Valley Holdings, LLC against Defendant James Carkulis should be delayed pending address and resolution of anticipated discovery and motion practice which will be directed to the amended complaint for the distributions described in paragraph 1.

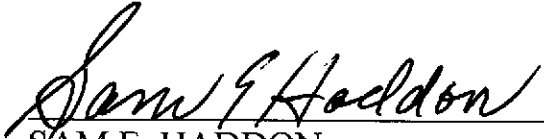
4. Plaintiff shall have to and including August 30, 2019, in which to file a brief in response to Defendant EIH’s brief that will be due on or before August 16, 2019. An optional reply brief by Defendant EIH shall be due on or before September 20, 2019.

5. Each party shall have to and including August 23, 2019, in which to file a brief in support of its position on the issue of whether the pending breach of

contract and fraud claims should be tried together or separated for trial. Response briefs from both parties shall be due on or before September 6, 2019. Optional reply briefs shall be due on or before September 20, 2019.

6. Additional hearings and conferences to address relevant case issues will be set by further order of Court as may be necessary and appropriate.

DATED this 7<sup>th</sup> day of August, 2019.

  
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SAM E. HADDON  
United States District Judge